

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
)	
v.)	1:11-CR-27-02-JMS/KPF
)	1:11-CR-33-01-JMS/KPF
)	
DAVID RYAN BOSTIC,)	
Defendant.)	

DEFENDANT’S MOTION FOR BOP RECOMMENDATION

Defendant David Ryan Bostic, by counsel, moves the court to include in the Judgment a recommendation to the Bureau of Prisons (BOP) that Mr. Bostic be designated to the Sex Offender Management Program at the United States Penitentiary (USP) in Marion, Illinois.

This USP is a medium security level institution. The BOP classification policies include a Public Safety Factor that requires a new inmate with more than 30 years remaining to serve will be housed in a high security level institution, however this Public Safety Factor can be waived by the BOP.

Mr. Bostic is an immature, dependent 25, soon to be 26, year old man who has never lived on his own or held a steady job. He was living with his parents at the time of his arrest. In a letter submitted to the court with the Defendant's Sentencing Memorandum David's mother said, "David just turned 25 years old less than a month after he was incarcerated, but his mentality and his maturity are not typical of a 25 year old man. David is very naive & impressionable and has such an innocence about him that he is often taken advantage of." In another letter, David's father said, "if he's given an extreme sentence in a maximum security prison they will chew him up and spit him out."

David needs to be in an institution designated as a Sex Offender Management Program, but the only maximum security institution with this program in the BOP is in Tucson, Arizona. Mr. Bostic's parents, who live in Bloomington, Indiana, have traveled 150 miles to visit him nearly every week-end, but Mr. and Mrs. Bostic have told the undersigned that it would be impossible for them to travel to Tucson to visit Mr. Bostic.

David Bostic is small in physical stature with a meek, timid personality. It is easy to understand Mr. Bostic's concern that the inmates in a maximum security prison would "chew him up and spit him out."

Assistant United States Attorney Steve DeBrotta does not object to this request.

Mr. Bostic, by counsel, moves that the court recommend to the BOP that the Public Safety Factor be waived and Mr. Bostic be designated to the USP at Marion, Illinois, and that a copy of this motion be forwarded to the BOP along with the Judgment and the Presentence Investigation Report.

Dated: December 1, 2011

s/ William E. Marsh

William E. Marsh
Indiana Federal Community
Defenders
Suite 752
111 Monument Circle
Indianapolis, IN 46204
(317) 383-3520
Attorney for DAVID RYAN BOSTIC

CERTIFICATE OF SERVICE

I certify that a copy has been filed electronically. I certify that a copy has been provided to Steve DeBrotta, Assistant United States Attorney.

Steve DeBrotta, AUSA

S/ William E. Marsh
William E. Marsh